

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON,

Plaintiff,

vs.

No. 2:09-cv-02533-STA-tmp

LINDEN AVENUE PROPERTIES;
INSOUTH BANK; MERCHANTS AND
FARMERS BANK; and CADENCE BANK, N.A.,

Defendants.

**STIPULATION FOR DISMISSAL OF
DEFENDANT, INSOUTH BANK, WITH PREJUDICE**

Come now the Plaintiff, Certain Underwriters at Lloyds, London ("Underwriters"), and the Defendant, InSouth Bank, and hereby stipulate as follows:

1. InSouth Bank is not making a claim under the policy.
2. InSouth Bank represents that the mortgage for which InSouth bank was named as a mortgage holder on the policy has been satisfied.
3. InSouth Bank is not making any claim for any insurance proceeds of the policy pursuant to or relating to the allegations that were made by Underwriters in the Complaint filed in this cause or that could have been made by Underwriters in the Complaint filed in this cause.
4. Underwriters hereby dismiss their cause of action against InSouth Bank with prejudice, with each party to bear its own costs, said costs having been paid.
5. This Stipulation for Dismissal in no way affects Underwriters' cause of actions against any other defendant in this cause.

Respectfully submitted,

BRATTON, O'NEAL & THORP, P.C.

By /s/ Allan B. Thorp

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By /s/ Anne C. Martin

by Allan B. Thorp, with permission

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Attorney for InSouth Bank

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2009, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will automatically send a notice of electronic filing to the following:

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I further certify that on October 12, 2009, I mailed and/or e-mailed the foregoing document, postage prepaid, to the following non-CM/ECF participants:

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/s/ Allan B. Thorp
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